

1 AARON D. FORD  
2 Attorney General  
3 ADAM L. WOODRUM (Bar No. 10284)  
4 Deputy Attorney General  
5 State of Nevada  
6 Office of the Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
Phone: (775) 684-1159  
Fax: (775) 684-1108  
awoodrum@ag.nv.gov  
*Attorneys for Respondent*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

MELANIE OCHS,

Petitioner,

12 | VS.

JERRY HOWELL, *et al.*,

## Respondents.

Case No. 2:16-cv-00982-JCM-DJA

**STIPULATED EXTENSION OF  
TIME FOR COMPLIANCE WITH  
JANUARY 17, 2023 ORDER (ECF  
NO. 66)**

## (Fourth Request)

On January 17, 2023, this Court entered its final judgment (ECF No. 67), granting in part Melanie Ochs's Amended Petition for Writ of Habeas Corpus (ECF No. 18), and enforcing the Ninth Circuit Court of Appeals decision to reverse Melanie Ochs state conviction for first-degree murder (ECF No. 62). This Court instructed:

Petitioner Melanie Ochs shall be released from all custody and/or other restraints, including parole or other supervision, unless the state, through the respondents, files a written election in this matter within 30 days of the date of this order of its intention to retry Ochs and thereafter commences jury selection in the retrial within 120 days following the election to retry Ochs, subject to reasonable requests for modification of the time periods.

ECF No. 66.

Since the Court’s January 17, 2023 order, the parties sought and received three extensions. ECF Nos. 69, 72, 74. The expiration of time to file a written election of the intent to retry Ochs will expire on May 19, 2023. However, good cause exists to extend the deadlines established by the Court.

111

111

1 IT IS HEREBY STIPULATED AND AGREED that:

2 1. This matter came before the state trial court for status check on negotiations for the  
3 fourth time on May 9, 2023.

4 2. Court minutes indicate the prosecutor informed the court that she had received  
5 correspondence from state trial counsel that the matter had settled and requested a continuance to June  
6, 2023 for negotiations.

7 3. While the matter is informally settled it will still take time to place the negotiations on  
8 the record and finalize the case.

9 4. The undersigned agreed to ask that this Court extend the deadline to file the notice of the  
10 intent to retry Melanie Ochs by an additional ninety days, or until Thursday, August 17, 2023; and that  
11 the deadline to commence jury selection also continue for 120 days following the filing of the election  
12 to retry, so that the state case can be finalized and closed.

13 5. That Respondents will continue to monitor the case during this time and inform this  
14 Court and counsel once the state matter is finalized.

15 Dated this May 12, 2023

Dated this May 12, 2023

16 RENE L. VALLADARES  
Federal Public Defender

AARON D. FORD  
Attorney General

18 /s/ Amelia Bizzaro  
19 Amelia L. Bizzaro  
Assistant Chief Federal Public Defender  
20 411 E. Bonneville Ave., Ste 250  
Las Vegas, NV 89101  
21 Attorney for Petitioner

/s/ Adam Woodrum  
Adam L. Woodrum (NV Bar No. 10284)  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
22 Attorney for Respondent

## **ORDER OF THE COURT**

The parties have submitted a fourth stipulation requesting this Court to extend the deadlines in its January 17, 2023, order by ninety days. Based on this stipulation and for good cause shown:

IT IS HEREBY ORDERED that the deadlines the parties agreed to ask that this Court extend the deadline to file the notice of the intent to retry Melanie Ochs by ninety days, or until Thursday, August 19, 2023; and that the deadline to commence jury selection also continue for 120 days following the filing of the election to retry, so that the state case may be finalized.

Dated May 17, 2023.

James C. Mahan  
JAMES C. MAHAN  
UNITED STATES DISTRICT JUDGE

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General and that on this 12th of day of May, 2023, I served a copy of the foregoing **STIPULATED EXTENSION OF TIME FOR COMPLIANCE WITH JANUARY 17, 2023 ORDER (ECF NO. 66) (FOURTH REQUEST)**, by U.S. District Court CM/ECF electronic filing to:

Amelia L. Bizzaro  
Assistant Federal Public Defender  
411 E. Bonneville Ave., Ste. 250  
Las Vegas, Nevada 89101  
Amelia.Bizzaro@fd.org

/s/ Amanda White